

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REALD SPARK, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. 2:22-cv-00942-TL

ORDER

This matter is before the Court *sua sponte*. The Parties have informed the Court that the Patent Trial and Appeal Board of the United States Patent and Trademark Office has instituted a trial on Defendant’s petition for *inter partes* review in IPR2023-01046, challenging all asserted claims of U.S. Patent No. 10,740,985 (“the ‘985 Patent”), the patent at issue in this case. Dkt. Nos. 119, 120. Further, Plaintiff represents that “[g]iven the institution of [Defendant]’s petition for *inter partes* review . . . , [Plaintiff] intends to dismiss the ‘985 Patent infringement claims from this lawsuit.” Dkt. No. 120 at 2.

1 Accordingly, it is hereby ORDERED:

2 (1) The tutorial and *Markman* hearing currently set for February 2, 2024, and
3 February 16, 2024, respectively, are STRICKEN.

4 (2) Plaintiff SHALL file a motion to dismiss its patent infringement claims **within**
5 **thirty (30) days** of this Order.

6 Dated this 8th day of January 2024.

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Tana Lin
9 United States District Judge